

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MERRIMACK MUTUAL FIRE INSURANCE, )  
Plaintiff(s), )  
 )  
v ) C.A. No. 04-10091-MLW  
 )  
APPLICA CONSUMER PRODUCTS, INC., )  
Defendant(s), )

MEMORANDUM AND ORDER

WOLF, D.J.

March 3, 2004

This action is one of about 250 civil cases assigned to me. I am also responsible for about 40 criminal cases, involving more than 50 defendants, many of whom have been incarcerated pending trial. Accordingly, I am interested in making arrangements for the fair and efficient progress and resolution of some of my civil cases.

Upon review of my civil docket, I believe that the above captioned case, and the administration of justice would benefit from being reassigned for all purposes to Chief Magistrate Judge Bowler, pursuant to 28 U.S.C. § 636(c)(1) and (3). If such reassignment occurs, Chief Magistrate Judge Bowler will decide all pretrial issues, schedule a firm trial date, conduct any trial that is necessary, with or without a jury, and any appeal

would be taken directly to the Court of Appeals for the First Circuit.

Therefore, the parties are being ordered to inform the court by March 26, 2004 whether they consent to a transfer of this case to Chief Magistrate Judge Bowler for all purposes. The parties are free to inform the court that they do not consent to the transfer of this case to the Chief Magistrate Judge and will not suffer any adverse substantive consequences. However, any failure to respond by the foregoing date will be deemed a consent to the proposed reassignment.

If the parties do not consent then the Chief Magistrate Judge shall conduct all pre-trial proceedings including scheduling conferences, prepare any necessary report and recommendation pursuant to 28 U.S.C. §636(b)(1)(B) and return the case to the District Judge.

/s/ MARK L. WOLF, D.J.  
UNITED STATES DISTRICT COURT